

EXHIBIT 4

1 MICHAEL A. JACOBS (CA SBN 111664)
2 MJacobs@mofo.com
3 ARTURO J. GONZÁLEZ (CA SBN 121490)
4 AGonzalez@mofo.com
5 ERIC A. TATE (CA SBN 178719)
6 ETate@mofo.com
7 RUDY Y. KIM (CA SBN 199426)
8 RKKim@mofo.com
9 MORRISON & FOERSTER LLP
10 425 Market Street
11 San Francisco, California 94105-2482
12 Telephone: 415.268.7000
13 Facsimile: 415.268.7522

14 KAREN L. DUNN (*Pro Hac Vice*)
kdunn@bsfllp.com
15 HAMISH P.M. HUME (*Pro Hac Vice*)
hhume@bsfllp.com
16 BOIES SCHILLER FLEXNER LLP
17 1401 New York Avenue, N.W.
Washington DC 20005
Telephone: 202.237.2727
Facsimile: 202.237.6131

18 Attorneys for Defendants
19 UBER TECHNOLOGIES, INC.
20 and OTTOMOTTO LLC

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 WAYMO LLC,
25 Plaintiff,
26 v.
27 UBER TECHNOLOGIES, INC.,
28 OTTOMOTTO LLC; OTTO TRUCKING LLC,
Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC’S OBJECTIONS
AND RESPONSES TO WAYMO’S
FIRST SET OF EXPEDITED
REQUESTS FOR PRODUCTION
PURSUANT TO PARAGRAPH SIX
OF MAY 11, 2017 PRELIMINARY
INJUNCTION ORDER (NOS. 1-9)**

Trial Date: October 2, 2017

1 doctrine, and common interest privilege. Defendants further object to this Request to the extent it
2 seeks information or materials not within Defendants’ possession, custody, or control.

3 **REQUEST FOR PRODUCTION NO. 7:**

4 All DOCUMENTS REGARDING any “written consent” provided pursuant to Section 5.6
5 or 6.8 of the Agreement and Plan of Merger, dated April 11, 2016.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

7 Defendants respond there are no documents responsive to this Request.

8 **REQUEST FOR PRODUCTION NO. 8:**

9 All documents regarding potential or actual “Pre-Signing Bad Acts” as defined in the
10 ACQUISITION DOCUMENTS, including by Levandowski.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

12 Defendants object to this Request because it calls for materials protected by the attorney-
13 client privilege, work product doctrine, and common interest privilege. In particular, this Request
14 relates to the issue that is presently before the Court in Waymo’s motion to compel. As stated
15 during a call among the parties and the Special Master on June 3, 2017, to the extent responsive
16 documents exist, Defendants will produce or log them at a reasonable time following a judicial
17 resolution of the disputed issue. Defendants further object that the Request is overbroad, not
18 “reasonably narrow,” and not proportional to the needs of the case insofar as it seeks documents
19 pertaining to anyone other than Mr. Levandowski, seeks “all” documents, and seeks documents
20 about “potential” acts (though Waymo agreed to delete “potential” as a result of a meet-and-
21 confer regarding these Requests).

22 **REQUEST FOR PRODUCTION NO. 9:**

23 All COMMUNICATIONS between UBER and OTTOMOTTO REGARDING any
24 disclosures by OTTOMOTTO of a breach of representation or warranty or covenant in the
25 Agreement and Plan of Merger, dated April 11, 2016, including whether OTTOMOTTO engaged
26 any disclosures of [sic] whether OTTOMOTTO engaged in any “bad acts.”

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

28 Defendants respond there are no documents responsive to this Request.

1 Dated: June 5, 2017

2 MORRISON & FOERSTER LLP

3 By: /s/ Arturo J. González
4 ARTURO J. GONZÁLEZ

5 Attorneys for Defendants
6 UBER TECHNOLOGIES, INC.
7 and OTTOMOTTO LLC

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